

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re Application of:**

Hateboer et al.

**Serial No.:** To be assigned

**Filed:** March 1, 2004

**For:** RECOMBINANT PROTEIN  
PRODUCTION IN A HUMAN CELL

**Examiner:** To be assigned

**Group Art Unit:** To be assigned

**Attorney Docket No.:** 2578-4038.3US

**NOTICE OF EXPRESS MAILING**

Express Mail Mailing Label Number: EV326919672US

Date of Deposit with USPS: March 1, 2004

Person making Deposit: Christopher Haughton

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In compliance with the duty to disclose information material to patentability pursuant to 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 or PTO/SB/08 be considered by the Examiner and made of record.

In accordance with 37 C.F.R. § 1.97(g) and (h), filing of this Information Disclosure Statement is not to be construed as a representation that a search has been made or an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b). Further, no representation is made by Applicants herein that no other possible material information as defined in 37 C.F.R. § 1.56(b) exists.

U.S. Patent Documents

<u>U.S. Patent No.</u>	<u>Publication Date</u>	<u>Patentee</u>
*US - 5,994,128	11-30-1999	Fallaux et al.
*US - 6,653,101 B1	11/25/2003	Cockett et al.

Foreign Patent Documents

<u>Document No.</u>	<u>Publication Date</u>	<u>Patentee</u>
*WO 93/03163	02-18-1993	Fond Nat Transfusion
*WO 97/00326	01-03-1997	Univ Leiden
*WO 95/29994	11-09-1995	Univ Michigan
*EP 0 185 573	06-25-1986	Pasteur Institut

Other Documents

\*PCT International Search Report, PCT/NL00/00247, dated October 9, 2000, 3 pages.

\*GHOSH-CHOUDHURY et al., Protein IX, a minor component of the human adenovirus capsid, is essential for the packaging of the full length genomes, The EMBO Journal, 1987, pp. 1733-39, Vol. 6, No. 6.

\*LOUIS et al., Cloning and Sequencing of the Cellular--Viral Junctions from the Human Adenovirus Type 5 Transformed 293 Cell Line, Virology, 1997, pp. 423-29, Vol. 233.

\*NCBI Entrez Nucleotide accession number U38242.

\*NCBI Entrez Nucleotide accession number NC\_002018.

\*NCBI Entrez Nucleotide accession number X02996 J01967 J01968 J01970 J01971 J01972 J01974 J01976 J01977 J01978 J01979 K00515 V00025 V00026 V00027 V00029.

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\* Pursuant to 37 C.F.R. § 1.98(d), copies of the previously identified patents are not being provided since they were previously cited by or submitted to the Office in the following prior application:

Serial No.: 09/549,463

Filed: April 14, 2000

For: RECOMBINANT PROTEIN PRODUCTION IN A HUMAN CELL, which application is being relied upon for an earlier filing date under 35 U.S.C. § 120.

\*SETOGUCHI et al., "Stimulation of Erythropoiesis by in vivo gene therapy: Physiologic consequences of transfer of the human erythropoietin gene to experimental animals using an adenovirus vector," Blood, November 1, 1994, pp. 2946-53, Vol. 84, No. 9.

In compliance with the duty to disclose information material to patentability pursuant to 37 C.F.R. § 1.56 & 1.175, applicant hereby identifies the following listed copending applications naming the same inventor(s):

Attorney Docket No.: 2183-4075US  
Serial No.: 09/332,803  
Filing Date: 6/14/1999  
Title: PACKAGING SYSTEMS FOR HUMAN RECOMBINANT  
ADENOVIRUS TO BE USED IN GENE THERAPY

Attorney Docket No.: 2578-4123.2US  
Serial No.: 09/348,354  
Filing Date: 7/7/1999  
Title: CHIMAERIC ADENOVIRUSES

Attorney Docket No.: 2183-4231US  
Serial No.: 09/444,284  
Filing Date: 11/19/1999  
Title: GENE DELIVERY VECTORS PROVIDED WITH A TISSUE  
TROPISM FOR SMOOTH MUSCLE CELLS, AND/OR  
ENDOTHELIAL CELLS

Attorney Docket No.: 2183-4240US  
Serial No.: 09/449,854  
Filing Date: 11/26/1999  
Title: PRODUCTION OF VACCINES

Attorney Docket No.: 2183-4038.1US  
Serial No.: 09/549,463  
Filing Date: 4/14/2000  
Title: RECOMBINANT PROTEIN PRODUCTION IN A HUMAN CELL

**Attorney Docket No.: 2578-4038.3US**

Attorney Docket No.: 2183-3982.2US  
Serial No.: 09/517,898  
Filing Date: 3/3/2000  
Title: MEANS AND METHODS FOR FIBROBLAST-LIKE OR  
MACROPHAGE-LIKE CELL TRANSDUCTION

Attorney Docket No.: 2183-4070.1US  
Serial No.: 09/573,740  
Filing Date: 5/18/2000  
Title: SEROTYPES OF ADENOVIRUS AND USES THEREOF

Attorney Docket No.: 2183-4497US  
Serial No.: 09/621,593  
Filing Date: 7/21/2000  
Title: MEANS AND METHODS FOR RAISING ANTIBODY  
CONCENTRATION IN COMPARTMENTS OF THE BODY OF A  
NON HUMAN ANIMAL

Attorney Docket No.: 2183-4192.1US  
Serial No.: 09/657,492  
Filing Date: 9/8/2000  
Title: MODIFIED ADENOVIRAL VECTORS FOR USE IN GENE  
THERAPY

Attorney Docket No.: 2578-4489US  
Serial No.: 09/665,472  
Filing Date: 9/20/2000  
Title: GENE DELIVERY VECTORS PROVIDED WITH A TISSUE  
TROPISM FOR DENDRITIC CELLS

Attorney Docket No.: 2183-4626US  
Serial No.: 09/722,867  
Filing Date: 11/27/2000  
Title: PRODUCTION OF VACCINES

Attorney Docket No.: 2183-4843US  
Serial No.: 09/843,894  
Filing Date: 4/27/2001  
Title: AAV VECTOR PRODUCTION

Attorney Docket No.: 2578-3840.1US  
Serial No.: 09/900,062  
Filing Date: 7/6/2001  
Title: PACKAGING SYSTEMS FOR HUMAN RECOMBINANT  
ADENOVIRUS TO BE USED IN GENE THERAPY

Attorney Docket No.: 2578-3833.5US  
Serial No.: 09/918,029  
Filing Date: 7/30/2001  
Title: PACKAGING SYSTEMS FOR HUMAN RECOMBINANT  
ADENOVIRUS TO BE USED IN GENE THERAPY

Attorney Docket No.: 2578-4509.1US  
Serial No.: 09/928,262  
Filing Date: 8/10/2001  
Title: GENE DELIVERY VECTORS WITH CELL TYPE SPECIFICITY  
FOR PRIMARY HUMAN CHONDROCYTES

Attorney Docket No.: 2578-4123.1US  
Serial No.: 09/953,280  
Filing Date: 9/14/2001  
Title: CHIMAERIC ADENOVIRUSES

Attorney Docket No.: 2183-5006.1US  
Serial No.: 10/010,645  
Filing Date: 11/13/2001  
Title: GENE DELIVERY VECTORS WITH CELL TYPE SPECIFICITY  
FOR MESENCHYMAL STEM CELLS

Attorney Docket No.: 2578-3833.6US  
Serial No.: 10/038,271  
Filing Date: 10/23/2001  
Title: PACKAGING SYSTEMS FOR HUMAN RECOMBINANT  
ADENOVIRUS TO BE USED IN GENE THERAPY

Attorney Docket No.: 2578-3833.7US  
Serial No.: 10/125,751  
Filing Date: 4/18/2002  
Title: PACKAGING SYSTEMS FOR HUMAN RECOMBINANT  
ADENOVIRUS TO BE USED IN GENE THERAPY

**Attorney Docket No.: 2578-4038.3US**

Attorney Docket No.: 2578-3955.1US  
Serial No.: 10/136,139  
Filing Date: 5/1/2002  
Title: MEANS AND METHODS FOR NUCLEIC ACID DELIVERY  
VEHICLE DESIGN AND NUCLEIC ACID TRANSFER

Attorney Docket No.: 2578-4451.1US  
Serial No.: 10/196,688  
Filing Date: 7/15/2002  
Title: ADENO-ASSOCIATED VIRUS AND ADENOVIRUS CHIMERIC  
RECOMBINANT VIRUSES USEFUL FOR THE INTEGRATION  
OF FOREIGN GENETIC INFORMATION INTO  
CHROMOSOMAL DNA OF TARGET CELLS

Attorney Docket No.: 2578-3833.8US  
Serial No.: 10/219,414  
Filing Date: 8/15/2002  
Title: STOCKS OF REPLICATION DEFICIENT ADENOVIRUS

Attorney Docket No.: 2578-4215.1US  
Serial No.: 10/231,735  
Filing Date: 8/28/2002  
Title: INTERLEUKIN-3 GENE THERAPY FOR CANCER

Attorney Docket No.: 2578-4038.2US  
Serial No.: 10/234,007  
Filing Date: 9/3/2002  
Title: RECOMBINANT PROTEIN PRODUCTION IN A HUMAN  
CELL

Attorney Docket No.: 2578-5592US  
Serial No.: 10/305,435  
Filing Date: 11/25/2002  
Title: METHODS AND MEANS FOR ENHANCING SKIN  
TRANSPLANTATION USING GENE DELIVERY VEHICLES  
HAVING TROPISM FOR PRIMARY FIBROBLASTS, AS WELL  
AS OTHER USES THEREOF (PRIMAIRE FIBROBLASTEN)

Attorney Docket No.: 2578-5832US  
Serial No.: 10/381,088  
Filing Date: 3/20/2003  
Title: ADENOVIRAL VECTORS PROVIDED WITH A TROPISM FOR DENDRITIC CELLS

Attorney Docket No.: 2578-5904US  
Serial No.: 10/381,857  
Filing Date: 8/13/2003  
Title: ADENOVIRAL VECTORS FOR GENE DELIVERY IN SKELETAL MUSCLE CELLS OR MYOBLASTS

Attorney Docket No.: 2578-3840.2US  
Serial No.: 10/396,548  
Filing Date: 3/25/2003  
Title: PACKAGING SYSTEMS FOR HUMAN RECOMBINANT ADENOVIRUS TO BE USED IN GENE THERAPY

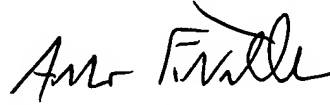
Attorney Docket No.: 2578-3833.9US  
Serial No.: 10/618,526  
Filing Date: 7/11/2003  
Title: PACKAGING SYSTEMS FOR HUMAN RECOMBINANT ADENOVIRUS TO BE USED IN GENE THERAPY

Attorney Docket No.: 2578-6077US  
Serial No.: 10/644,256  
Filing Date: 8/20/2003  
Title: EFFICIENT PRODUCTION OF IgA IN RECOMBINANT MAMMALIAN CELLS

Attorney Docket No.: 2578-6158US  
Serial No.: 10/698,086  
Filing Date: 10/30/2003  
Title: METHODS FOR THE IDENTIFICATION OF ANTIVIRAL COMPOUNDS

This Information Disclosure Statement is filed before the mailing date of a first Office Action on the merits.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Andrew F. Nilles".

Andrew F. Nilles  
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Attorney for Applicant(s)  
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Date: March 1, 2004  
ACT/bv

Enclosures: Form PTO-1449 or PTO/SB/08  
Document in ProLaw



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Substitute for form 1449A/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>				<i>Complete if Known</i>	
				Application Number	To be assigned
				Filing Date	March 1, 2004
				First Named Inventor	Hateboer et al.
				Group Art Unit	To be assigned
				Examiner Name	To be assigned
				Attorney Docket Number	2578-4038.3US
				Sheet	1

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FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
		*WO 93/03163	02-18-1993	Fond Nat Transfusion		
		*WO 97/00326	01-03-1997	Univ Leiden		
		*WO 95/29994	11-09-1995	Univ Michigan		
		*EP 0 185 573	06-25-1986	Pasteur Institut		

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT***(use as many sheets as necessary)*

Sheet

2

of

2

**Complete if Known**

Application Number

To be assigned

Filing Date

March 1, 2004

First Named Inventor

Hateboer et al.

Group Art Unit

To be assigned

Examiner Name

To be assigned

Attorney Docket Number

2578-4038.3US

**OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		*PCT International Search Report, PCT/NL00/00247, dated October 9, 2000, 3 pages.	
		*GHOSH-CHOUHDHURY et al., Protein IX, a minor component of the human adenovirus capsid, is essential for the packaging of the full length genomes, The EMBO Journal, 1987, pp. 1733-39, Vol. 6, No. 6.	
		*LOUIS et al., Cloning and Sequencing of the Cellular--Viral Junctions from the Human Adenovirus Type 5 Transformed 293 Cell Line, Virology, 1997, pp. 423-29, Vol. 233.	
		*NCBI Entrez Nucleotide accession number U38242.	
		*NCBI Entrez Nucleotide accession number NC_002018.	
		*NCBI Entrez Nucleotide accession number X02996 J01967 J01968 J01970 J01971 J01972 J01974 J01976 J01977 J01978 J01979 K00515 V00025 V00026 V00027 V00029.	
		*SETOGUCHI et al., "Stimulation of Erythropoiesis by in vivo gene therapy: Physiologic consequences of transfer of the humanerythropoietin gene to experimental animals using an adenovirus vector," Blood, November 1, 1994, pp. 2946-53, Vol. 84, No. 9.	

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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\* Pursuant to 37 C.F.R. § 1.98(d), copies of the previously identified patents are not being provided since they were previously cited by or submitted to the Office in the following prior application:

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